

Message Text

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FM AMEMBASSY LONDON

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E.O. 11652: N/A

TAGS: CASC, US, UK

SUBJECT: US/UK EXTRADITION TREATY - VISIT OF MURRAY
STEIN, US DEPT. OF JUSTICE

REF: (A) MALMBORG LETTER SEPT. 20, 1974

(B) STATE 283862

(C) LONDON 8786

1. EMBASSY HAS REVIEWED ISSUE OF RATIFICATION OF 1972 EXTRADITION TREATY IN LIGHT OF EXCHANGES IN REFTELS AND FURTHER DISCUSSION WITH MURRAY STEIN, US DEPT. OF JUSTICE, DURING HIS LONDON VISIT LAST WEEK. AT AMBASSADOR'S REQUEST, STEIN ACCOMPANIED CONSUL GENERAL TO HOME OFFICE MEETING, AT WHICH FCO WAS REPRESENTED, WHICH HAD BEEN REQUESTED BY HMG TO CLARIFY ISSUES RELATING TO UK LAW AND PRACTICE WHICH HAD BLOCKED US RATIFICATION.

2. AFTER THIS REVIEW AND DISCUSSION, WE ARE CONVINCED THAT WE SHOULD PROCEED WITH SUBMISSION 1972 TREATY TO SENATE FOR RATIFICATION. NEW TREATY, IT SEEMS CLEAR TO US, IS A SUBSTANTIAL IMPROVEMENT OVER PRESENT 1931 TREATY AND IS BEST OBTAINABLE UNDER CURRENT CIRCUMSTANCES. WE HOPE THAT ON BASIS HIS DISCUSSIONS HERE, STEIN WILL CONFIRM THIS VIEW, SINCE IN OUR JUDGMENT POINTS MENTIONED IN REFTEL (B) HAVE BEEN SATISFACTORILY RESOLVED. EVEN IF THIS WERE NOT THE CASE, WE CONSIDER WE WOULD BE IN A BETTER POSITION WITH RATIFICATION 1972 DOCUMENT THAN WITHOUT IT SINCE NEWER TREATY PROVIDES A MORE EFFECTIVE AND MODERN FRAMEWORK FOR DEALING WITH EXTRADITION-RELATED PROBLEMS OF CURRENT CONCERN THAN DOES THE OLD ONE.

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TED PROBLEMS OF CURRENT CONCERN THAN DOES THE OLD ONE.

WITH RESPECT TO SPECIFIC POINTS RAISED IN PARA 2 OF REF-TEL B), FOLLOWING OBSERVATIONS ARE RELEVANT: POINT 1 - THIS PROBLEM HAS BEEN REEXAMINED BY HMG WHICH HAS ADOPTED POSITION THAT EVASCO CASE IS NOW CONSIDERED A NARCOTICS RATHER THAN A FISCAL (CUSTOMS) OFFENSE. POINT 2 HAS BEEN RESOLVED BY UK LEGISLATION AMENDING EXTRADITION ACT WHICH MAKES CONSPIRACY EXTRADITABLE. POINT 3 HAS BEEN RESOLVED BY LEGISLATION INsofar AS IT RELATES TO HIJACKING. POINT 4 HAS BEEN RESOLVED BY DECISION OF UK CRIMINAL COURT OF APPEAL ADMITTING STATEMENTS OF UNDERCOVER AGENTS INTO EVIDENCE.

3. IN FURTHER REGARD TO POINT 3, HOME OFFICE AND DPP ANTICIPATE ISSUE WILL BE RESOLVED IN RESPECT OF ALL EXTRADITABLE OFFENSES WITHIN A YEAR BY PROPOSED AMENDMENT TO EXTRADITION ACT. ADDITIONALLY, HOME OFFICE AND DPP BELIEVE AMENDED EXTRADITION ACT WILL PERMIT SURRENDER FOR ALL CONSPIRACIES AND ALL ATTEMPTS.

4. EMBASSY WILL BE SENDING PERTINENT SUPPORTING MATERIAL UNDER COVER OF AIRGRAM AND STEIN WILL BE HANDCARRYING BACK COPIES. WE HOPE THESE WILL PROVIDE THE BASIS FOR AN EARLY DECISION BY THE DEPARTMENT TO PROCEED WITH RATIFICATION.

RICHARDSON

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